

**Central Business District Zoning
Fall Special Town Meeting 2015**

Part I - Definitions

I.E. Definitions

Artist Live/Work/Gallery: The use of all or a portion of a structure for living and work by residents engaged in the creation, manufacturing or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, ceramics, sculpting; performing and visual arts including but not limited to dance, photography, music composition, and filmmaking production and pre- and post-production activities (but not to include Adult Entertainment). Sales of resident-created works are allowed on premises.

Artisan Production/Creative Enterprises: Individual and/or small-scale firms that employs 10 or employees, who are involved in the on-site production of hand-fabricated or hand-manufactured parts and/or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. Artisan production includes apparel manufacturing, confectionery, jewelry making, wood and metal working, pottery and glass making, and equivalents. Showrooms and ancillary sales of goods produced on-premises are allowed.

Brewery, Distillery, or Winery with Tasting Room: A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages. A tasting room, not to exceed 25percent of the building's gross square footage, is permitted as an accessory use. Any such facility that only provides samples at no charge and limited in size as set forth in M.G.L c. 138 shall have a Commonwealth of Massachusetts issued Farmer Series Pouring License. The facility may host marketing events, special events, and/or factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery, or winery. The facility may sell permitted beverages to consumers for consumption off the brewery premises.

Brew Pub: Restaurants that are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the relevant statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 50percent of the establishment's production capacity.

Transit-oriented Development (TOD): A type of community development that focuses on land uses centered around a transit station or within a transit corridor. TOD is characterized by a mixture of uses including: housing, office, retail, and/or other commercial development and amenities; reduction in parking; high quality design; multiple transportation options; and integrated into a walkable neighborhood and located within a walkable distance to quality public transportation.

Part II - Purpose

II.A.2.d. Central Business: CB

The purpose of the Central Business (CB) District is to stimulate a pedestrian- and transit-oriented, mixed-use environment that is supported by a mixture of residential, retail, office, and other commercial uses. The CB District encourages a compact, transit-oriented development setting while preserving the area as the Town's financial, civic, cultural, and government center. The CB District is intended to generate a livable downtown environment with a strong presence of a multitude of activities that reduce the number of auto-oriented uses. Development should preserve the historic nature and architecturally significant buildings within the CB District, while promoting new and infill development to support a multi-modal transportation, mixed-use environment.

Part III – NEW Section – Section II.J Central Business District

Section II.J Central Business District

1. The Central Business (CB) District design standards have been developed to promote quality development that preserves and enhances Downtown Framingham's history and character; and further encourages a walkable, pedestrian- and transit-oriented environment. These design standards are integral to the CB District regulations and must be met as part of any CB District site plan review and approval.
2. To further enhance the development of the CB District applicants are encouraged to utilize the "Downtown Framingham Design Guidelines," Article 18 of the Planning Board's Rules and Regulations.
3. Development within the CB District, which requires site plan review and/or special permit shall be subject to the following design regulations. The Town encourages projects that do not require site plan review and/or special permit approval to incorporate the design regulations and standards into their projects.
 - a. Building Scale
 - 1) The base, middle, and top areas of a building shall be clearly delineated through the use of architectural features.
 - 2) Ground level ceiling heights along primary roadways (Concord Street, Union Avenue, Waverly Street, and Hollis Street) shall be a minimum of 14 feet to accommodate retail uses.
 - 3) New buildings' heights may differ, but shall reflect the height of adjacent buildings through aligning façade elements (e.g. cornices), or use of stepbacks to reinforce the scale, massing, and proportions of existing structures.
 - b. Facades
 - 1) Buildings more than 50 feet in width shall be broken into bays to reflect the historic building rhythm of Downtown Framingham.
 - 2) Flat facades shall be discouraged by the use of balconies, change of materials, or architectural detailing to provide visual appeal and to break down building scale.
 - 3) Blank wall surfaces greater than 20 feet in width are prohibited when visible from the street.
 - 4) Sides of buildings with frontage on a street shall include windows and doors.
 - c. Windows
 - 1) Façades along primary downtown streets (Concord Street, Union Street, Waverly Street and Hollis Street) shall incorporate no less than 60 percent transparent glazing on the ground floor to maximize visibility of street level uses.
 - 2) Façades along secondary streets shall incorporate no less than 40 percent transparent glazing on the ground floor.

- 3) No portion of the façade shall be constructed of highly reflective glass that prevents pedestrian visibility of interior ground floor activities.
 - 4) Upper floor windows shall not be larger than ground floor windows.
 - 5) Wherever possible, window styles shall be compatible with the historic style of adjacent structures.
- d. Entrances
- 1) Building Entrances
 - i. Primary building entrances shall be located on public sidewalks/streets, and on corners wherever possible to emphasize the pedestrian environment.
 - ii. Doorways to upper floors shall be separate from ground level retail entrances.
 - iii. Doors shall not extend beyond the exterior façade into pedestrian pathways.
 - 2) Parking Garage Entrances
 - i. Garage entrances shall be sited in locations that minimize conflict and impacts between pedestrians and vehicles.
 - ii. Audible and clearly visible signage shall be installed informing pedestrians when vehicles are exiting the structure.
- e. Parking
- 1) To encourage an active, pedestrian environment, vehicle parking shall be located behind or to the side of buildings whenever possible. Below grade and structured parking are encouraged.
- f. External Materials:
- 1) Building materials shall reflect the character of Downtown Framingham. Predominant wall materials utilized within the CB district are brick, stone, pre-cast concrete, these materials are encouraged.
 - 2) Fiber board/fiber cement board and wood siding are encouraged adjacent to residential districts.
 - 3) Simulated or prefabricated brick or stone, particle board, plywood, and/or aluminum and vinyl siding are strongly discouraged.
- g. Awnings and Canopies
- 1) Awnings and canopies are encouraged to enliven the ground floor and to provide shelter for ground floor outdoor uses such as dining.
- h. Roof Form
- 1) Roof forms and lines should complement adjacent buildings within the CB District.
 - 2) Variations in height are encouraged through the use of architectural elements that may include cornices and parapets. These architectural features shall create interesting and varied rooflines.
 - 3) Rooftop mechanical equipment shall be screened and designed as a component of the overall roof design. It shall not appear to be an add-on element.
 - 4) Rooftop screening and mechanicals shall be designed to accommodate soundproofing.
- i. Service Areas, Utilities, and Equipment
- 1) Service and loading areas, utilities, and mechanical equipment shall be located on the side or rear of a building. These features shall be sufficiently screened using architectural forms, fencing and/or landscaping so as to not be visible from streets and public open spaces.
 - 2) Service areas, utilities, and mechanical equipment shall be designed to accommodate soundproofing.
 - 3) Chain linked fencing shall not be permitted for screening.
- j. Sidewalks
- 1) Sidewalks shall provide adequate space for all users, street furniture, trees/plantings, bicycle parking, and/or restaurant seating as part of the project.

- 2) Where appropriate, front setbacks should be used to accommodate plantings and/or outdoor restaurant seating shall be provided.
- k. Signage.
 - 1) All signage design and deployment shall comply with the Town's Sign By-Law.

4. Central Business Parking Regulations

a. Off-Street Parking Requirements

1) Residential Parking Requirements:

- i. Residential structures and the residential component of mixed-use structures shall comply with the Residential Off-street Parking Requirements Table, herein.

Residential Off-street Parking Requirements Table

Unit Type	Minimum Spaces Per Unit
Studio	0.5
One bedroom	1
Two bedroom	1.5
Three bedroom	2

- ii. On-site parking requirements may be reduced as determined by the Planning Board if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of occupancy and usage.
 - iii. The Planning Board shall maintain an inventory of off-street public parking spaces as a basis to fulfill residential parking requirements. This inventory shall preclude the allocation of off-street public parking spaces to more than one residential project.
- 2) Commercial Parking Requirements
 - i. Ground floor commercial uses within the CB district are exempt from commercial parking requirements with the following exceptions:
 - a) Restaurants and Brew Pubs over 5,000 square feet shall provide parking at a maximum of 3 off-street spaces per 1,000 gross square feet.
 - b) Non-medical office uses shall comply with Section VI.b.1.a. Table of Off-Street Parking Regulations

5. Central Business District Height Requirements near Residential Districts

Distance from Residential District**	Building Height
Within 50'	40'
Equal to or greater than 50' but less than 200'	50'
Equal to or greater than 200' but less than 300'	60'
Equal to or greater than 300'	70'

**The distance category shall apply where at least 50 percent of the parcel's total area, in square feet, lies within one of the four categories listed above.

6. All Projects within the Central Business Zoning District shall comply with Section II.J. Central Business (CB) Zoning District Design Standards. However, the Planning Board may waive the requirements for Section II.J. Central Business (CB) Zoning District by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources.

Part IV – Table of Uses

To be inserted into Section II.B. Table of Uses

USE CATEGORY	CB
<u>1. RESIDENTIAL</u>	
E. Mixed use	Y ⁱ
F. Mixed use complex	Y
G. Multi-Family	Y ⁱⁱ
H. Artist Live/Work/Gallery	Y
USE CATEGORY	CB
<u>2. RESIDENTIAL ACCESSORY</u>	
E. Private stables, barn, similar accessory structures	N
F. Accessory swimming pool	SPP
<u>3. INSTITUTIONAL AND RECREATIONAL</u>	
C. Cemeteries	N
N. Cultural and educational centers	Y
O. Center for performing arts	Y
P. Educational training facilities and conference centers accessory to permitted use	SPP
<u>4. AGRICULTURAL</u>	
A. Greenhouses, nurseries, horticulture, forestry, floriculture	SPP
C. Boarding of dogs, cats, horses	SPZ
<u>5. COMMERCIAL</u>	
E. Retail stores/custom work shops	SPP
K. Restaurant	Y ⁱⁱⁱ
L. Fast Food Establishment	Y
M. Brew Pubs	Y ^{iv}
O. Financial institution drive thru one lane only	N
CC. Hotel	SPP
<u>6. MANUFACTURING AND INDUSTRIAL</u>	
B. Artisan Production/Creative Enterprise	Y
D. Brewery, Distillery, or Winery with Tasting Room	SPP
E. Limited manufacturing	N

i Mixed use structures and mixed use complexes over 30,000 square feet shall require a special permit from Planning Board.

ii Multi-family structures with over 30,000 square feet shall require a special permit from the Planning Board.

iii Restaurants and Brew Pubs over 5,000 square feet shall require a special permit from the Planning Board.

Part V – Dimensional Regulations

Delete current provisions of Table IV.E.2 regarding Central Business and replace with the following: Amend Dimension Table IV.E.2– Parcels under 20,000 square feet

District	Principal Building or Use	Lot Minimum		Minimum Setback		Minimum Landscaped	Minimum Height	Building Maximums		
		Area (s.f.)	Frontage (ft.)	Front ⁺ (ft.)	Side (ft.)	Open Space Surface Ratio		Height	Lot Coverage	Floor Area Ratio
Central Business	Any residential use	5,000	-	10**	-	20%	2/25	3/40	60%	2.0
Central Business	Any other principal or mixed use	5,000	-	10**	-	15%		3/40	60%	2.0

Amend Dimension Table IV.E.2 – Parcels 20,000 square feet or more

District	Principal Building or Use	Lot Minimum		Minimum Setback		Minimum Landscaped	Minimum Height	Building Maximums		
		Area (s.f.)	Frontage (ft.)	Front ⁺ (ft.)	Side (ft.)	Open Space Surface Ratio		Height	Lot Coverage	Floor Area Ratio
Central Business	Any residential use greater than 2 units	20,000	-	10**	-	20%****	2/25	6/70	80%	3.0
Central Business	Any other principal or mixed use	20,000	-	10**	-	5%		6/70	80%	3.0

** Minimum front setback as regulated, except where building lines have already been established in which case building lines must be maintained, to be used for landscaping, pedestrian and vehicular access. Additional uses within the front setback in the CBD are listed under Section IV.E.11.a., herein. No parking is allowed in the front setback.

****Up to 50% of minimum landscaped open space may include private balconies, or be located on the roof of the structure as a garden or sitting area.

Part VI – Site Plan Review

To be inserted into VI.F. Site Plan Review as noted

VI.F.2. Applicability:

c. The following types of activities or uses in the Central Business (CB) District require site plan review by the Planning Board. The following shall apply to both as of right uses and uses allowed by grant of a special permit within the Central Business (CB) Zoning District, including new construction of buildings and structures, additions to existing buildings and structures, and any increase in area for on-site parking and loading. All activities and uses within the CB District shall meet the design standards set forth in the Planning Board Rules and Regulations. Any activity and use that does not meet these thresholds is exempt.

1) Threshold for **minor site plan review**

- i. All substantial alterations of existing structures or expansions of existing structures which results in a total floor area between 3,000-30,000 gross square feet¹;
- ii. All construction of a new structure or group of new structures resulting in less than 30,000 square feet of gross floor area.
- iii. Change of use less than 30,000 square feet of gross floor area that results in more than five additional required off-street parking spaces.
- iv. Construction, alteration, or expansion of a parking lot greater than five parking spaces.
- v. Modifications to a site plan previously approved by the Planning Board.

2) Threshold for **major site plan review**

- i. All construction of a new structure or group of new structures resulting in greater than 30,000 square feet of gross floor area;
- ii. All substantial alterations of an existing nonresidential structure, resulting in a total of 30,000 square feet or more of gross floor area;
- iii. All new Mixed Use and new Mixed Use Complex projects.

VI.F.3.e Application and Review Procedure

- (1) For minor site plan review in the CB District, the Planning Board shall review and render a decision within 60 days of receiving a complete application package as required. Through the mutual consent of the Planning Board and the Applicant, the Planning Board may grant extensions of time.
- (2) For major site plan review in the CB District, the Planning Board shall review and render a decision within 90 days of receiving a complete application package as required. Through the mutual consent of the Planning Board and the Applicant, the Planning Board may grant extensions of time.
- (3) If a project receives a variance from the Zoning Board of Appeals after Planning Board approval, the project shall be re-submitted to the Planning Board for amendment of the approved site plan.

¹ Town staff, through the permitting preview process, will ensure projects meet Design Standards and Design Guidelines, in cases where substantial alterations of existing structures or expansions of existing structures result in a total floor area of less than 3,000 square feet.

Part VII - Insert into Section VI.G.1 Limitation of Use Variance (Variances)

To be inserted into Section VI.G.1 after the words “Elderly Housing Districts”, the words “, Central Business (CB) Zoning District”

Part VIII – Delete reference to the Central Business District from Section IV.B.7 Special Provisions for Central Business District and Neighborhood Business District

7. Special Provisions for ~~Central Business District~~ and the Neighborhood Business District

a. Purpose

~~The purpose of this section is to further the intent of the Central Business (CB) district, which is to preserve the area as the Town's financial, civic, and government center, and to promote general and special retail uses in a compact area, and to further the intent of the Neighborhood Business District (B-1), which is to reinforce the historic development pattern of the Town's traditional commercial centers.~~

~~b. Exemptions~~

~~1. Exemption by Downtown Parking Relief Permit~~

~~In the Central Business District, a downtown parking relief permit may be granted by the Building Commissioner when an existing building is proposed for reuse, in order to provide parking regulation relief from the minimum number of spaces required in Section IV.B.1.(a) herein, and from the proximity requirements specified in Section IV.B.2.(a) herein. Such downtown parking relief permit may be obtained, following application to the Building Commissioner, only under the following circumstances: (1) the floor area of the building to be reused has not been increased; (2) the proposed reuse occupies less than 8,000 square feet of floor area; (3) the proposed reuse results in the requirement for no more than ten parking spaces above the number of spaces required under this By Law prior to the proposed reuse; (4) no physical alteration to an existing parking lot or facility is proposed; and (5) the proposed reuse is not subject to Section VI.F. Site Plan Review under the Planning Board. Decisions under this subsection by the Building Commissioner may be appealed to the Planning Board via an application for a special permit, as provided below. All other requests for parking relief from the required number of parking spaces and parking proximity requirements in the Central Business District shall be by special permit as provided below.~~

~~2. Exemption by Special Permit~~

~~In the Central Business district and Neighborhood Business District a special permit may be granted to exempt parking facilities from the minimum number of spaces required in Section IV.B.1(a) herein, and from the proximity requirements specified in Section IV.B.2(a) herein. The Planning Board shall be the SPGA for special permits under this section.~~

c. Contents of Application

1. An application for a special permit under this section shall include a parking plan including all information specified in Section VI.F.4(9) and (10), regardless of the number of parking spaces proposed to be provided; or, if the proposed development is subject to the major Site Plan Review provisions of this By-Law, an application for Site Plan Review.
2. Where off-street parking facilities are to be provided upon private premises not owned by the applicant, an application for a special permit under this section shall also include executed instruments establishing to the satisfaction of Town Counsel that the applicant has sufficient legal interest in such premises to assure their permanent availability for off-street parking in connection with the proposed use.

d. Procedure for Special Permit

1. The procedure for application, review, hearing, and decision shall be in accordance with Section VI.E.

2. The public notice and hearing process required for the special permit application shall be concurrent with the Planning Board's Site Plan Review, if applicable. In the case of a proposed development subject to Site Plan Review, the Planning Board shall hold a combined public hearing for both the special permit and the site plan review application.

e. Conditions for Approval of Special Permit

The SPGA shall not approve an application for a special permit under this section unless it finds that in its judgment all of the following conditions are met:

1. The exemptions requested are consistent with the ~~the~~ intent and purpose of the Zoning District.
2. There are adequate parking facilities of reasonable proximity to the premises.

f. Effect of Special Permit

A special permit granted under this section shall constitute the granting of an exemption from the minimum number of spaces requirement, or the proximity requirement, or both; and shall be deemed to be based on a specific plan or application for Site Plan Review, as applicable. Subsequent amendments to the approved plan or Site Plan Approval require amendment of the special permit.

Part IX – Delete reference to the Central Business District from Section IV.E.5.d Side Setback Abutting Residential District

d. Side Setback Abutting Residential District

Where a side lot line of a lot in a non-residential district, abuts a Single Residence or General Residence Zoning District, there shall be a minimum side setback requirement for buildings on such lot of 30 feet; except in the ~~Central Business (CB)~~ or Neighborhood Business (B-1) Districts, where such minimum side setback requirement for buildings on such lot shall be 10 feet. This setback regulation for such lot in a non-residential district shall not be applicable if such lot is for a single family or two family residential use, in which case the setbacks in the Table of Dimensional Regulations shall apply.

Part X – Delete reference to the Central Business District from Section IV.E.6.d Open Space in Setback Abutting Residential District or Uses

d. Open Space in Setback Abutting Residential District or Uses

In any district where a non-residential use abuts or faces a residential zoning district or a single family or two family use, a landscaped open space buffer at a minimum depth of fifteen feet, shall be provided and maintained in order to separate, both physically and visually, the residential use from the non-residential use; except in the ~~Central Business (CB)~~ or Neighborhood Business (B-1) Districts where such minimum open space depth shall be five feet. The landscaped open space buffer strip shall be continuous except for required vehicular access and pedestrian circulation. The buffer strip shall include a combination of deciduous and/or evergreen trees and lower-level elements such as shrubs, hedges, grass, ground cover, fences, planted berms, and brick or stone walls. Such open space buffer strips shall provide a strong visual barrier between uses at pedestrian level and shall create a strong impression of spatial separation.

Part XI – Delete reference to the Central Business District from Section IV.E.7.d.2 Height Requirements Near Residential Districts

2. In the ~~Central Business District (CB)~~ and Neighborhood Business District (B-1), buildings located less than 50 feet from a single residence or general residence district may be exempted by the above height restriction, up to a maximum of 40 feet in height above

finished grade, by special permit, in accordance with the requirements of Section VI.E. of this By-Law, if the SPGA determines that the proposed building would be consistent with the historic development pattern of the existing commercial center of the area, and that such building would not be more intrusive on the residential district than a building 30 feet in height. The Planning Board shall be the SPGA under this subsection.

Part XII – Delete reference to the Central Business District from Section IV.E.9 Dimensional Regulations and Design Guidelines in the Central Business District

~~9. Dimensional Regulations and Design Guidelines in the Central Business District~~

~~a. Special Setback Requirements~~

- ~~1. Minimum front setback requirements shall be as regulated, except in areas where building lines have already been established, in which case building lines must be maintained.~~
- ~~2. No parking is permitted in the front setback area. The front setback may be used for landscaping and open space, cafes (when approved by special permit), pedestrian uses and access, and vehicular access only.~~

~~b. Design Standards~~

- ~~1. New construction or exterior renovation of existing structures in the Central Business District shall maintain a sense of history, pedestrian scale and pedestrian-oriented character in order to enhance the quality of development in the District.~~
- ~~2. The Planning Board may require applicants, in need of a special permit for use in the Central Business District, to utilize façade easements in order to protect the values of historic structures. Such requirement would be applicable only where a development proposal, associated with such special permit, would result in the demolition or major exterior renovation of buildings, which are listed on the Inventory of Cultural Resources or are in a National Register District.~~